

MEPA Analyst: *Rick Bourree*

Phone: 617-626-1130

# NPC

## Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: <b>Hingham Shipyard Redevelopment</b>		EOEA #: <b>11735</b>	
Street: <b>349 Lincoln Street</b>			
Municipality: <b>Hingham</b>		Watershed: <b>Boston Harbor</b>	
Universal Tranverse Mercator Coordinates: <b>North 4679479 m; East 341347 m</b>		Latitude: <b>42°15'05"</b> Longitude: <b>-70°55'24"</b>	
Status of project construction: <b>20</b> %complete			
Proponent: <b>Samuels &amp; Associates Hingham LLC; Attn: Leslie Cohen</b>			
Street: <b>333 Newbury Street</b>			
Municipality: <b>Boston</b>		State: <b>MA</b>	Zip Code: <b>02115</b>
Name of Contact Person From Whom Copies of this NPC May Be Obtained: <b>Gregory Sampson</b>			
Firm/Agency: <b>BSC Group, Inc.</b>		Street: <b>15 Elkins Street</b>	
Municipality: <b>Boston</b>		State: <b>MA</b>	Zip Code: <b>02127</b>
Phone: <b>617-896-4300</b>	Fax: <b>617-896-4301</b>	E-mail: <b>gsampson@bscgroup.com</b>	

In 25 words or less, what is the project change? The project change involves . . .  
**Refinement of the layout and mix of uses primarily associated with the retail and commercial components of the mixed-use redevelopment project.**

See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: **EM publication: 8/10/98**

Was an EIR required?  Yes  No; if yes,  
 was a Draft EIR filed?  Yes (Date: )  No  
 was a Final EIR filed?  Yes (Date: )  No  
 was a Single EIR filed?  Yes (Date: **5/15/03**)  No

Have other NPCs been filed?  Yes (Date(s): )  No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to  
**"ATTACHMENTS & SIGNATURES"** on page 4.

**PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER**

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed:

**The project changes will require amendments to the current Access Permit from MassHighway. Separately the adjacent marina, owned by Sea Chain Marina LLC, is also seeking an amendment of its water-dependent Chapter 91 License from MassDEP.**

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))  
 Yes     No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?  
 Yes     No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate?  Yes     No; if yes, attach Certificate and describe the change you are requesting:

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
<b>LAND</b>			
Total site acreage	130 acres	No Change	130 acres
Acres of land altered	90 acres	No Change	90 acres
Acres of impervious area	68 acres	-4 acres (-6%)	64 acres
Square feet of bordering vegetated wetlands alteration	0 s.f.	No Change	0 s.f.
Square feet of other wetland alteration	16.3 acres	No Change	16.3 acres
<i>Riverfront area</i>	5.07 acres	No Change	5.07 acres
<i>Land Subject to Coastal Storm Flowage</i>	2459 l.f.	No Change	2459 l.f.
<i>Coastal Bank</i>			
Acres of non-water dependent use of tidelands or waterways	.44 acres	No Change	.44 acres
<b>STRUCTURES</b>			
Gross square footage	1,154,779 s.f.	-14,155 s.f. (-1%)	1,140,624 s.f.
Number of housing units	479	No Change	479
Maximum height (in feet)	52.5 ft	No Change	52.5 ft
<b>TRANSPORTATION</b>			
Vehicle trips per day	15,828	+1941 (+12%)	17,769
Parking spaces	2,507	+160 (+6%)	2,667

WATER/WASTEWATER			
Gallons/day (GPD) of water use	92,578 gpd	+7,757 gpd* (+8%)	100,335 gpd
GPD water withdrawal	0 gpd	No Change	0 gpd
GPD wastewater generation/ treatment	161,368 gpd	+7,249 gpd (+4%)	168,617 gpd
Length of water/sewer mains (in miles)			
Water	4.2 miles	No Change	4.2 miles
Sewer	2.9 miles	No Change	2.9 miles

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?  Yes  No
  2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?  Yes  No
  3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?  Yes  No
  4. impact on any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?  
 Yes  No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?  Yes  No
  5. impact upon an Area of Critical Environmental Concern?  Yes  No
- If you answered 'Yes' to any of these 5 questions, explain below:

**PROJECT CHANGE DESCRIPTION** (attach additional pages as necessary). The project change description should include:

- (a) a brief description of the project as most recently reviewed
- (b) a description of material changes to the project as previously reviewed,
- (c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and
- (d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

**(a) The Hingham Shipyard Redevelopment Project is a mixed-use project on the approximately 130 acre site that was the former home of the Hingham Shipyard. The project, as originally permitted, included 150 for-sale townhomes, 239 rental apartments, 94 condominium units, and 237,000 square feet of retail/service, restaurants, office space, and marina uses. A Single EIR (SEIR) was filed for the project in May of 2003 and a Secretary's Certificate was subsequently issued in June of 2003 with a finding that the SEIR adequately and properly complied with the Massachusetts Environmental Policy Act (M.G.L. c.30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). Since that time, all applicable permits (federal, state, and local) for the project as originally designed have been acquired and construction on the project's infrastructure has commenced. In addition, the original applicant, Sea Chain LLC, has sold portions of the project to several developers, including Samuels & Associates (retail, commercial, office, and residential**

condominium units), Avalon Bay (residential rental apartment units), and Roseland Properties (residential for-sale townhome units). The Weber Dodge auto dealership has completed its relocation on the site and Sea Chain Marina LLC continues to operate the marina on the site.

(b) The changes that are described in this Notice of Project Change primarily relate to the portion of the site under control of Samuels & Associates (Samuels). Since taking ownership of their portion of the site in June of 2006, Samuels has sought to refine the layout and mix of uses with the focus of enhancing view corridors, increasing park area, and strengthening the "Main Street" concept of Shipyard Drive. These refinements have resulted in an increase in the square footage associated with general retail, an addition of restaurant seats, a decrease in the size of the daycare center, a decrease in the office space, elimination of a portion of the marine services facilities, an addition of a 1,000-seat cinema, and the addition of an approximately 10,000 s.f. health club. The overall square footage of structures on the site as a whole has decreased by approximately 1%, while the proposed number of parking spaces has increased by approximately 6% to support the addition of the cinema and health club. In addition, the total impervious surface on the site has been reduced by approximately 6% from that documented in the EIR, primarily through the increase in park area and greater setback of structures from the water's edge. The revised use mixture has resulted in an increase water use (+8%), wastewater flows (+4%), and average daily vehicle trips (+12%).

The revised layout has recently been approved by the Town of Hingham Planning Board and Zoning Board of Appeals as an amendment to the Mixed Use Special Permit. The Town of Hingham Conservation Commission has issued an Amended Order of Conditions under the Massachusetts Wetlands Protection Act and Town of Hingham Wetlands Protection Bylaw approving the changes to the site. On May 31, 2007, a request for a minor modification to the existing Chapter 91 License No. 10154 was filed with MassDEP to address the layout and use changes within the areas of historically filled tidelands. The revised plan results in enhanced public benefits, including an increase to open space, and the change in use replaces a facility of private tenancy with a facility of public accommodation. The minor modification has been deemed approved per section 9.22(3) of the Chapter 91 regulations. Separately, Sea Chain Marina LLC is requesting an amendment to the existing water-dependent License No. 9766 to authorize a change in the location of a new marina building, the relocation of two sheds on the commercial fishing pier, and a boat wash system. The new marina building is reduced in size as compared to the previously authorized building and the two sheds are the same size. While this proposed amendment does not affect the property under the control of Samuels, it is included in this NPC to the extent that it is subject to MEPA jurisdiction.

An amendment to the Massachusetts Highway Department Access Permit will also be sought to address the change of uses and increased daily vehicle trips. A detailed traffic analysis report is included as part of this NPC. The report concludes that the mitigation proposed in 2003 and currently under construction for the shipyard project adequately addresses the increased traffic associated with the proposed current changes to the project. Samuels has met with MassHighway to review the analysis and any necessary adjustments to signal timing will be addressed through this process.

No new permits or amendments are required for the slight adjustments in water use and wastewater flows. Coordination with applicable local and state agencies is ongoing as required per existing permit conditions.

(c) The proposed changes for the most part are insignificant in accordance to the standards specified in 310 CMR 11.10(6), as the changes result in decreased square footage of structures, reduced impervious areas, and increases of less than 10% for water use, wastewater flows, and the number of parking spaces. The only project change that exceeds 10% is the number of average daily vehicle trips associated with the project as noted above. However, as detailed in the accompanying traffic analysis, the mitigation proposed and approved in 2003 under the SEIR and in 2005 by MassHighway, continues to adequately address the additional traffic generated by the proposed use changes that are the subject of this NPC.

(d) The project includes a number of measures designed to avoid damage to the environmental and to minimize/mitigate unavoidable environmental impacts. These measures include the significant improvements to the onsite water transportation facility, stormwater management upgrades, and the provision of waterfront access and new park areas. The projects changes described herein build upon these measures in a number of ways, including the proposed increases to park area and the reduction in impervious surfaces on the site from existing conditions and from the plans approved under the SEIR. While the total number of parking spaces has slightly increased, the Applicant, working with the Town of Hingham and using the Urban Land Institute's recognition of shared parking benefits associated with a mixed-use project, has managed to minimize the number of additional parking spaces required to meet the demand of the project resulting in an increase of open space within the project. In addition, while the total number of average vehicle trips has increased, the adjusted number of vehicle trips (those actually entering or leaving the site) has increased at a slightly lower margin, also due to the efficiencies attributed to a mixed-use development, where on-site amenities provide for generation of trips internal to the site. In addition, the increase in vehicle trips is primarily related to the off-peak cinema use; the increase in weekday AM and PM peaks is not significant. Accordingly, the transportation improvements provided as mitigation for the project and reviewed under the SEIR are not adversely affected by the additional trips associated with the project change. As noted above, any signal timing adjustments needed to accommodate the trips will be coordinated with MassHighway during the amendment process for the Access Permit.

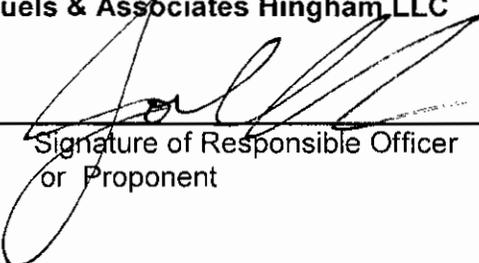
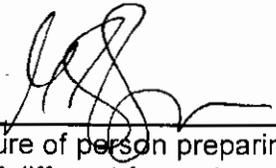
**ATTACHMENTS & SIGNATURES**

Attachments:

1. Secretary's most recent Certificate on this project
2. Plan showing most recent previously-reviewed proposed build condition
3. Plan showing currently proposed build condition
4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries
5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7)

Signatures:

**Samuels & Associates Hingham LLC**

By:		10/30/07		10/31/07
Date	Signature of Responsible Officer or Proponent	Date	Signature of person preparing NPC (if different from above)	

<b>Joel Sklar</b>	<b>Gregory Sampson</b>
Name (print or type)	Name (print or type)
<b>Samuels &amp; Associates Hingham LLC</b>	<b>BSC Group, Inc.</b>
Firm/Agency	Firm/Agency
<b>333 Newbury Street</b>	<b>15 Elkins Street</b>
Street	Street
<b>Boston, MA 02115</b>	<b>Boston, MA 02127</b>
Municipality/State/Zip	Municipality/State/Zip
<b>617-247-3434</b>	<b>617-896-4327</b>
Phone	Phone